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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-235

12 **OPHELIA LEE**
13 **11 Belden Place, Apt. 506**
San Francisco, CA 94104
14 **Registered Nurse License No. 565141**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

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18 **PARTIES**

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20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 15, 2000, the Board of Registered Nursing issued Registered
24 Nurse License Number 565141 to Ophelia Lee (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. Section 821 of the Code states:

"The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license."

CAUSE FOR DISCIPLINE

(Failure to Comply with Order)

8. Respondent is subject to disciplinary action under section 821 in that she has failed to comply with an order issued under Section 820 to submit to an examination to determine whether she is mentally ill to such an extent as to affect her ability to practice registered nursing safely. The circumstances are as follows:

9. On or about April 22, 2009 the Board issued an Order to compel a psychiatric examination of Respondent. Said Order directed Respondent to comply with the Order no later than 30 days after the service of the Order. Said Order was served on Respondent at her address of record by both Certified and First Class Mail on April 23, 2009. Respondent has failed to comply with said Order.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 565141, issued to Ophelia Lee Ophelia Lee.
2. Taking such other and further action as deemed necessary and proper.

DATED: 10/16/09

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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